BILL NO. Z-87-0637

ZONING MAP ORDINANCE NO. Z-17-87

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-4 (Roadside Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

> Part of the Northwest 1/4 Section 25, Township 31 North, Range 12 East in Allen County, Indiana more particularly described as follows:
>
> Commencing at Northeast corner of the Northwest 1/4 of Section 25, Township 31 North, Range 12 East; thence South along the East line of said Northwest 1/4 Section 25 a distance of 651.5 feet; thence West on and along a line parallel with the North line of said Section 25 also being the South line of the property described in Instrument #G-5789 a distance of 225 feet to the true point of beginning; thence North on and along a line parallel with the East line of said Section 25 a distance of 72 feet; thence North 78 degrees 58 minutes West a distance of 329.3 feet to a point; thence North 74 degrees 26 minutes West a distance of 60 feet to a point; thence North 73 degrees 06 minutes West a distance of 255 feet to a point on the East right-of-way line of North Clinton Street; thence South on and along the East right-of-way line of North Clinton Street a distance of 83.2 feet to a point; thence South 73 degrees 50 minutes East a distance of 420 feet to a point; thence South 25 degrees 43 minutes West a distance of 55 feet to a point; thence East on and along a line parallel to the North line of said Section 25 a distance of 309 feet to the true point of beginning.

and the symbols of the City of Fort Wayne Zoning Map No. N-26, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19___, at _____ o'clock ___.M.,E.S.T.

DATE: 6-25-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Eisbart, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	8			1	
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
HENRY				✓	
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 7-14-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (~~RESOLUTION~~) NO. 3-17-87 on the 14th day of July, 19 87,

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 19 87, at the hour of 11:30 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of July, 19 87, at the hour of 9:00 o'clock A.M.,E.S.T.

WIN MOSES, JR., MAYOR

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We City Plan Commission

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B-2-C District to a/an B-4 District the property described as follows:

See Attached Legal

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

To the rear of the 900 Block of Coliseum Bl West

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordina being sent to the newspaper for legal publication. If the request for deferra continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whi it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that ar ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the mat for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hear approximately ten (10) days prior to the meeting.

Part of the Northwest 1/4 Section 25, Township 31 North, Range 12 East in Allen County, Indiana more particularly described as follows:

Commencing at Northeast corner of the Northwest 1/4 of Section 25, Township 31 North, Range 12 East; Thence South along the East line of said Northwest 1/4 Section 25 a distance of 651.5 feet; Thence West on and along a line parallel with the North line of said Section 25 also being the South line of the property described in Instrument #G-5789 a distance of 225 feet to the true point of beginning; Thence North on and along a line parallel with the East line of said Section 25 a distance of 72 feet; Thence North 78 degrees 58 minutes West a distance of 329.3 feet to a point; Thence North 74 degrees 26 minutes West a distance of 60 feet to a point; Thence North 73 degrees 06 minutes West a distance of 255 feet to a point on the East right-of-way line of North Clinton Street; Thence South on and along the East right-of-way line of North Clinton Street a distance of 83.2 feet to a point; Thence South 73 degrees 50 minutes East a distance of 420 feet to a point; Thence South 25 degrees 43 minutes West a distance of 55 feet to a point; Thence East on and along a line parallel to the North line of said Section 25 a distance of 309 feet to the true point of beginning.

FROM B-2 TO B-4

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 23, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-06-37; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 15, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held June 22, 1987.

Certified and signed this
25th day of June 1987.

Robert Hutner
Secretary

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. ____ **DIGEST SHEET**

ORIGINAL

Zoning Ordinance Amendment

TITLE OF ORDINANCE _____

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Property to the rear of the 900 Block of Coliseum Blvd., West.

3-87-06-37

EFFECT OF PASSAGE Property is presently zoned B-2-C - Metropolitan Shopping Center. Property will become B-4 - Roadside Business.

EFFECT OF NON-PASSAGE Property will B-2-C - Metropolitan Shopping Center District

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

Z-87-06-37

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment		
From B-2-C to B-4		

DETAILS

Specific Location and/or Address

To the rear of the 900 Block of Coliseum Bl, East.

Reason for Project

Alignment of zoning district.

Discussion (Including relationship to other Council actions)

15 June 1987 - Public Hearing

V.C. Seth, Director of Planning for CD&P stated that the Plan Commission was the petitioner on the request due to the fact that when this B-2-C was zoned certain portions of lots fronting on Coliseum Blvd., were included in the B-2-C zoning in error. This request he stated was being made to correct that error in the legal description.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

22 June 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation.

Of the 6 members present 5 voted in favor of the recommendation one (1) did not vote.

Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** City Plan Commission **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	☒ For ☐ Against **Reason Against**
Board or Commission Recommendation	**By** ☒ For ☐ Against ☐ No Action Taken ☐ For with revisions to condition (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pas

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change:	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start — Date April 30, 1987

Projected Completion or Occupancy — Date June 25, 1987

Fact Sheet Prepared by — Date June 25, 1987

Patricia Biancaniello

Reviewed by — Date 30 June 1987

Reference or Case Number

BILL NO. Z-87-06-37

REPORT OF THE COMMITTEE ON REGULATIONS

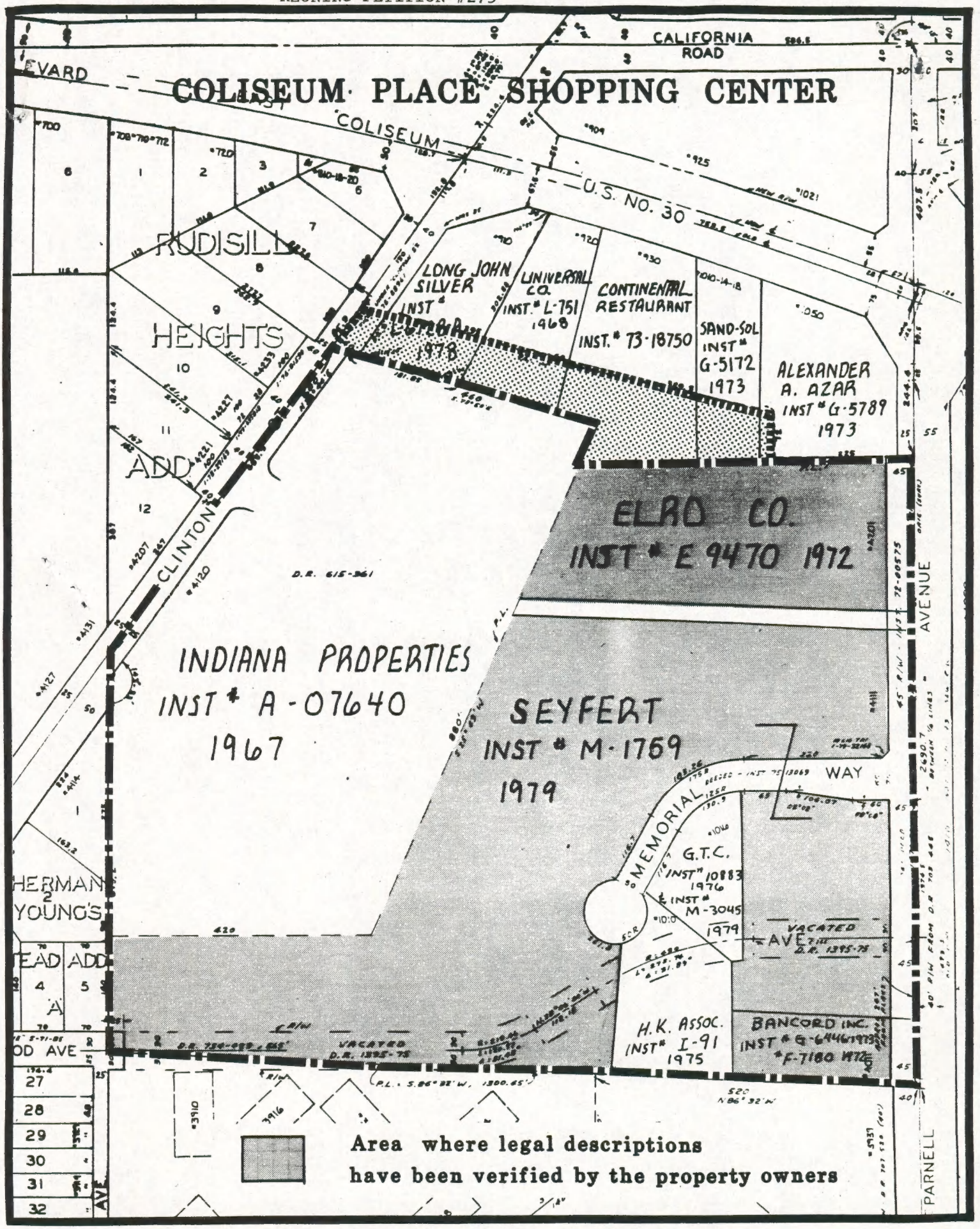
WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ Amending the City of Fort Wayne Zoning Map No. R-14

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~ Do Pass

YES		NO
Janet G. Bradbury	JANET G. BRADBURY CHAIRPERSON	
Charles B. Redd	CHARLES B. REDD VICE CHAIRMAN	
Thomas C. Henry	THOMAS C. HENRY	
	PAUL M. BURNS	
Ben A. Eisbart	BEN A. EISBART	

CONCURRED IN 7-14-87.

SANDRA E. KENNEDY
CITY CLERK

RZONING PETITION #275

From B-2-C to B-4